

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

By the present amendment, claim 1 is amended. Claims 1 and 3-6 are pending with claim 1 being the sole independent claim. It is respectfully submitted that no new matter is added herewith.

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, Claims 1 and 3-6 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (US Patent No. 4,633,613) in view of *Bickerstaff* (U.S. Patent No. 4,589,227).

IV. AMENDMENTS TO CLAIM 1

Based on the Examiner's comments in the Office Action that "applicant's arguments are more limiting than that of the claims" and that "nothing in the claims limit the invention to a single guide rail", Applicant has amended Claim 1 to positively recite a "single guide rail." Additionally, Applicant has amended Claim 1 to clarify that the rail defines a substantially curved trajectory "without points of inflection." Support for that amendment can be found in at least original dependent Claim 2.

In view of the claim amendments, Applicant believes the claimed invention is allowable over the cited prior art, as discussed in detail below.

V. REJECTION OF THE CLAIMS

A. Rejection of Claims 1 and 3-6 under 35 U.S.C. § 103(a)

In the Office Action, Claims 1 and 3-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi* in view of *Bickerstaff*. Applicant respectfully traverses.

Unlike the claimed invention, the *Kobayashi* device requires two guide rails in order to operate. Specifically, the *Kobayashi* device requires a second guide rail that must be used to provide a pivot in the window pane 18 during its moving. Thus, the *Kobayashi* device cannot achieve its function of moving the window pane 18 using only a single guide rail, as recited in the claimed invention. In the claimed invention, where one single rail is used, a reduction in manufacturing cost and reduction in noise and vibration are obtained.

Moreover, *Kobayashi* also does not teach a rail that defines a substantially curved trajectory without points of inflection that the window follows. In *Kobayashi*, the window trajectory is defined by the two rails 54 and 56, and such trajectory includes several points of inflection. A point of inflection in a curve is the place where the curve changes its concavity. As seen in Figure 4, for example, of *Kobayashi*, the two rails 54 and 56 have at least one change in concavity and therefore include at least one point of inflection. Accordingly, *Kobayashi* does not teach a curved trajectory without any points of inflection, as recited in Claim 1, as amended.

Bickerstaff does not cure the deficiencies of *Kobayashi*. *Bickerstaff* is cited only for allegedly teaching an adjusting means. And the means for adjusting the position in the claimed invention is different than in *Bickerstaff*. In the claimed invention, the means for adjusting is the same operating device, such as device 1, and includes two lower transversal

screws 9 and 10, whose function is to laterally adjust the position of the whole device to the door of vehicle. Applicant submits that lateral positioning of the device of the claimed invention as whole is accomplished when the device as a whole is adjusted, including motor, rail and other items, while in *Bickerstaff*, only the lateral position of the glass is accomplished when it moves up and down.

Consequently, because *Kobayashi*, either alone or in combination with *Bickerstaff*, fails to teach all of the limitations of the claimed invention, Applicant respectfully submits that a *prima facie* case of obviousness has not been established. As such, Applicant requests reconsideration and withdrawal of the rejection of independent Claim 1 under 35 U.S.C. § 103(a). Moreover, dependent Claims 3-6 are allowable for the same reasons as discussed above. Additionally, these claims recite other features not found in *Kobayashi* and *Bickerstaff*. For example, both *Kobayashi* and *Bickerstaff* fail to teach an upper pivoting axle used on the rail, as in dependent Claim 3. This upper pivoting axle acts as a fixing and allows the rail to tilt slightly to adjust it in the vehicle's door. Such a feature is not found in either *Kobayashi* or in *Bickerstaff*. Applicant respectfully requests evidence that such a feature is well known in the art, as suggest in the Office Action.

VI. CONCLUSION

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00036). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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